

## **REMARKS**

The Office Action made the previous restriction final. The Office Action also withdrew claims 18-23 and 32-37 from consideration.

Claims 1-2, 4-11 and 13-17 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Kimberley et al. Claims 1-2, 4-11, 13-17 and 24-31 were rejected under 35 U.S.C. Section 102 (b) as being anticipated by Peternel. Claims 3 and 12 were rejected under 35 U.S.C. Section 103(a) as being obvious over Kimberley or Peternel.

Claims 5, 13 and 26 were rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. Applicant respectfully disagrees with this rejection but submits that the amendments to these claims render the rejections moot.

Applicants have amended claim 1 and claim 10. Claims 3 and 12 were rejected as being obvious over Kimberley or Peternel. Applicants respectfully disagree.

Neither Kimberley or Peternel disclose a ring for encircling collar halves. Kimberley discloses a handle 5 fixed to each housing half by swingable arms 6 and 7. This is not a ring for encircling collar halves.

Peternel discloses positioning assemblies 16 and 18 that the Office Action reads as first and second collars. Peternel does not disclose rings for encircling collar halves.

The sole basis for rejecting original claims 3 and 12 was that "it would have been obvious to one skilled in the art ... to use any well known securing means to hold the halves together such that the device would be held onto the blood vessel in order to operate properly." Applicants respectfully disagree.

Kimberley discloses a handle/swingable arm combination for closing the housing halves. One of ordinary skill in the art would not seek to add a component to this system as there would be no need for a ring component. The handle/swingable arm combination is disclosed by Kimberley to move the housing halves together. There would be no need for a ring.

Peterlin discloses a clamp 122 and adjustment screw 126 for holding the positioning assemblies 16 and 18 together. A ring would tend to be urged down members 80 and 108 so it is not reasonable to take the position that one of ordinary skill in the art would replace the clamp 122

and screw 126 with a ring or add a ring to the existing system. As a result, the obviousness rejection of amended claims 1 and 10 should be withdrawn.

Peterlin was said to anticipate claim 24, but this is clearly not the case. Among other limitations, claim 24 recites: "the second collar separated from the first collar by a first distance, each collar adapted to substantially encircle a blood vessel and having a number of suction apertures". This limitation is not disclosed in Peterlin, thus Peterlin clearly fails to anticipate claim 24. As a result, the rejection of claim 24 should be withdrawn.

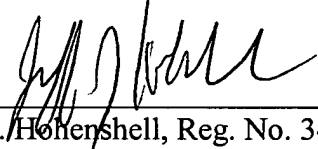
If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is invited to contact the undersigned attorney at 763-505-8426.

Please charge any required fees or credit any overpayment to Deposit Account No. 13-2546. Examination and reconsideration of this application are respectfully requested.

Date: December 21, 2007

Respectfully submitted,

By

  
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